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MISSOULA, MT  
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PATRICK E. DUFFY  
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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
MISSOULA DIVISION

MICHAEL BAPTISTE,	)	CV 06-122-M-DWM
	)	
Plaintiff,	)	
	)	
vs.	)	ORDER
	)	
STATE OF MONTANA;	)	
WESTERN MONTANA MENTAL HEALTH;	)	
and BOB PARCELL of the Sheriff's	)	
Department in Missoula County,	)	
	)	
Defendants.	)	
_____	)	

United States Jeremiah C. Lynch entered Findings and Recommendation in this matter on August 24, 2006. Michael Baptiste did not file objections and is therefore not entitled to de novo review of the record. 28 U.S.C. § 636(b)(1). This Court will review the Findings and Recommendation for clear error. McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a "definite and firm conviction that a mistake has been committed." United States v. Syrax, 235 F.3d 422, 427 (9th Cir. 2000).

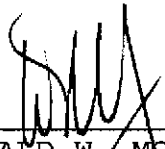
Judge Lynch concluded that Baptiste's claims against

Defendant State of Montana and Missoula Mental Health should be Dismissed without prejudice, and Baptiste's claims against Defendant Parcell should be Dismissed.

I find no clear error in Judge Lynch's Findings and Recommendation (dkt #3) and I adopt them in full.

IT IS HEREBY ORDERED that Plaintiff's Complaint is DISMISSED WITHOUT PREJUDICE as to the claims against Defendant State of Montana and Missoula Mental Health and DISMISSED WITH PREJUDICE as to Defendant Parcell.

DATED this 2nd day of October, 2006.

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DONALD W. MOLLOY, CHIEF JUDGE  
UNITED STATES DISTRICT COURT

